UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/53/567
S/1998/1024
2 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 39, 40 and 84
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-third year

Letter dated 2 November 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

In reference to the letter dated 30 October 1998, from the Permanent Representative of Israel to the United Nations (A/53/561-S/1998/1021), which conveys a letter from the Minister of Foreign Affairs of Israel, the Palestinian side would like to make the following comments:

1. It is unfortunate that the Israeli side chose to present a flawed interpretation of the Wye River Memorandum of 23 October 1998 in a United Nations document, rather than choosing to present, jointly with the Palestinian side, the text of the Memorandum for the information of Member States, as was the case with previous agreements, in an effort to nurture a common understanding of such an important agreement.

2. It is also disturbing that the Foreign Minister considers Israel's undertakings, as stated in the Wye River Memorandum, as "conditional" upon compliance by the Palestinian side. This interpretation obviously goes beyond the famous Israeli concept of "reciprocity" and departs from the appropriate joint commitment for mutual compliance by the two sides with the terms of the agreement.

3. It is shocking that the Foreign Minister, while speaking of the agreement, uses a phrase like "Judea and Samaria" to describe the West Bank, in flagrant violation of the Wye River Memorandum and other existing

agreements between the two sides. The use of such a term is indicative of an expansionist ideology and policies.

4. The letter contains inaccurate information and a distorted presentation of the Wye River Memorandum, which is a very dangerous sign in itself. An example of this is the fact that the Memorandum speaks about "the nullification of the Palestinian National Charter provisions that are inconsistent with the letters exchanged between the PLO and the Government of Israel on 9/10 September 1993", while Mr. Sharon's letter speaks about the "bringing to fruition of a process by which the Palestinian National Covenant is to be annulled".

5. The Minister's letter repeats Israel's prejudice towards international legitimacy and its attempts to defy international law and relevant United Nations resolutions. We once more reiterate that the existing Israeli-Palestinian agreements do not, cannot and should not negate international law or relevant United Nations resolutions. It is the right and the duty of the United Nations, given its permanent responsibility towards the question of Palestine, to reaffirm its resolutions. Finally, it must be stated that the inalienable rights of the Palestinian people, including their right to a State, do not stem from the existing agreements; they are natural rights congruous with the Charter of the United Nations and established positions of the international community.

6. With regard to the issue of Israel's membership in a regional group at the United Nations, we agree that the natural group is the Group of Asian States. We are confident that members of the Group of Asian States will be ready to sanction such membership when Israel heeds international law, international humanitarian law and relevant United Nations resolutions and when it ends its occupation of the Occupied Palestinian Territory, including Jerusalem, and the rest of the occupied Arab territories. In essence, that will be when the question of Palestine is solved in all its aspects and a comprehensive, just and lasting peace is achieved in the Middle East.

The Palestinian side reaffirms its commitment to implementing the provisions of the Wye River Memorandum towards the implementation of the existing agreements (the Declaration of Principles of 1993 and the Interim Agreement of 1995) and towards reaching a final settlement based on Security Council resolution 242 (1967). We expect the Israeli side to be equally committed.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 39, 40 and 84, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Ambassador
Permanent Observer of Palestine
to the United Nations